

NPT Review Process: An Explainer

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Image Source: U.S. Department of State

What is the NPT review process?

In accordance with Article VIII.3 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the 1995 Decision on Strengthening the Review Process, States Parties convene every five years to review the implementation of the Treaty and past review conference decisions, and to agree on forward-looking steps. These Review Conferences (RevCon), together with the Preparatory Committee (PrepCom) meetings, which convene in each of the

three years preceding a RevCon, make up the NPT review process. A fourth PrepCom session can be held in the year of the RevCon, if necessary.

RevCons last four weeks and, since 1995, convene at the United Nations Headquarters in New York. Each PrepCom session is two weeks long. The three PrepComs take place in Vienna, Geneva, and New York, respectively.

How is the review process organised?

The NPT does not provide specific guidelines or procedures for the conduct of the review process. The PrepCom of the first review cycle, leading up to the 1975 RevCon, developed arrangements that subsequently shaped the operation of the RevCons, such as allocation of work to Main Committees and nomination of the review process officers by regional groups.

States Parties adopt rules of procedure separately for every RevCon. With varying degrees of specificity, the rules of

procedure regulate the composition and functions of the Committees, powers and responsibilities of the RevCon President and Vice Presidents, duties of the Secretariat, the conduct of debates, voting procedures, participation of observers, and distribution of costs of the meetings. For the PrepCom meetings, States Parties customarily agree to apply the last RevCon's rules of procedure, modified as necessary. Many areas of the review process, however, function simply by established practice.

What does a Review Conference do?

A Review Conference should:

- (1) assess implementation of the Treaty and past RevCon commitments; and
- (2) develop a forward-looking programme of action for further operation of the Treaty.

Past commitments include actions and steps contained in the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament, the Middle East resolution,¹ the 13 Practical Steps for nuclear disarmament contained in the final document of the 2000 RevCon, and Conclusions and

Recommendations for Follow-on Actions—known as the 2010 Action Plan.

Delegates consider a wide array of issues, including: measures towards achieving nuclear disarmament, promotion and strengthening of safeguards; peaceful uses of nuclear energy; nuclear safety and security; export controls; implementation of the 1995 resolution on the Middle East; NPT universality, and others. RevCons aim to adopt by consensus a final document containing both the review and forward-looking parts, though only the 2000 RevCon has so far succeeded in achieving such a comprehensive outcome.²

¹The Resolution calls for the establishment of a Middle East zone free of nuclear and other weapons of mass destruction (WMD) and assigns special responsibility in this regard to the NPT depositary states – Russia, United Kingdom, and the United States.

²The President of the 2010 RevCon issued the review part under his own authority, while the forward-looking Action Plan was adopted by consensus.

What is the Review Conference structure?

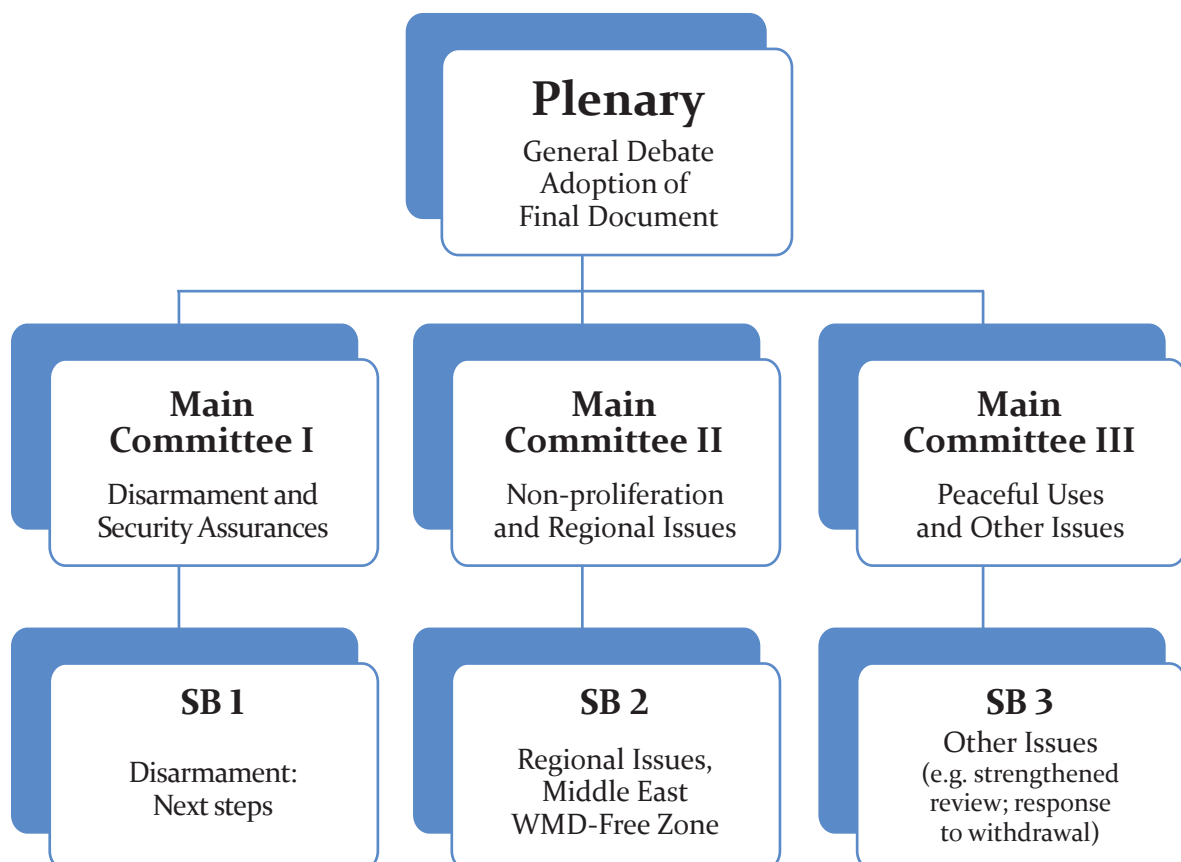
RevCons begin with three to five days of general debate. Heads of delegations, many of them foreign ministers or other high-level officials, deliver opening statements laying out their respective governments' goals and expectations for the conference and the non-proliferation regime more broadly.

Substantive issues are allocated thematically to the Main Committees (MCs). The first NPT review cycle started the practice of dividing substantive issues between MC I on disarmament and non-proliferation and MC II on peaceful uses of nuclear

energy. In 1985, States Parties decided to separate disarmament and non-proliferation issues into two MCs, creating the currently used three-MC structure: MC I deals with nuclear disarmament and security assurances; MC II with non-proliferation and regional issues; and MC III with peaceful uses and other issues.

According to the 1995 Decision on Strengthening the Review Process, States Parties have an option of establishing Subsidiary Bodies (SBs) to address issues that might require more focused consideration. While there is no

Figure 1: NPT Review Conference Structure: Substantive Matters



What is the Review Conference structure? (Cont)

requirement to establish an SB under each MC, it has become customary to have three SBs where SB 1 focuses on next steps on nuclear disarmament, SB 2 on regional issues, particularly the Middle East zone free of weapons of mass destruction (WMD), and SB 3 on “other issues”. The latter included response to withdrawal from the NPT (Article X); further improving the review process, and forward-looking steps on peaceful uses.

The MCs and SBs begin their work at the end of the first week of the RevCon and

are usually expected to conclude negotiations by the end of the third week. Their work might be extended into the fourth week if necessary, but for the most part, the final week of the RevCon is dedicated to finalising the outcome document.

For about two weeks, MCs and SBs deliberate different aspects of Treaty implementation and further steps.

How are the RevCon outcome documents negotiated?

Towards the end of the first week of the committees’ work, MC and SB chairs usually release first drafts of their respective reports, based on the debates in the room and the working papers submitted by States Parties and groupings. Negotiations on these drafts continue during the next week in the respective MCs and SBs, with a goal of submitting agreed text of the reports to the President by the end of the third week of the RevCon.

If the MCs adopt their substantive reports by consensus, incorporating SBs’ contributions, the RevCon President can then work with the General and Drafting Committees on putting together and editing the final draft, resolving potential duplication and other issues. In practice,

since 2000, no MC has succeeded in adopting a substantive report. Even in cases where States Parties came close to an agreement in one of the committees (e.g. MC III), they were reluctant to commit to a text on one pillar while disagreements persist on one or both of the others. In the absence of consensus, MC chairs usually forward draft substantive reports as working papers or conference room papers to the President for further negotiations.

Negotiations of the final document in the last week of the conference tend to proceed along several tracks, though the modalities have varied across the RevCons depending on the President’s approach and the conference dynamics. Formal deliberations on the combined

How are the RevCon outcome documents negotiated? (Cont)

draft text released by the President take place in the Plenary. At the same time, the President may ask one or more delegates to lead separate informal negotiations to resolve disagreements on specific issues or paragraphs of the document.

In addition, presidents of several past review conferences have used the “small group” format where they invited a small group of States (15-25), seen as influential and/or representative of larger groups, to negotiate on key issues or the whole document in parallel to other processes. The practice has been

criticised for lack of transparency by the observers and States Parties left outside such groups.

These different strands of negotiations feed into the President’s draft final document and its revisions. The President would also typically conduct consultations with individual States Parties with particular concerns about, or stake in, specific language and issues in the final days of the conference. The President formally submits the final version of the draft outcome document for adoption in the Plenary on the last day of the RevCon.

How are decisions taken?

The rules of procedure stipulate that every effort should be made to reach an agreement by consensus on substantive matters.³ If States Parties are unable to achieve consensus, they can resort to voting. However, the RevCon President must defer the vote by 48 hours and use this time to try to facilitate a consensus agreement. After 48 hours, States Parties can take a decision by a two-thirds majority of those present and voting. As negotiations on the final document usually continue until the last moment, the 48-hour rule makes the voting option impractical. More importantly, NPT States Parties have a strong preference for consensus, wary that voting would weaken whatever substantive outcome

they might achieve and damage the Treaty in the long term. Perhaps the only time States Parties seriously discussed the possibility of a vote was at the 1995 Review and Extension Conference, which was Treaty-obligated to decide on the NPT extension.

Decisions on procedural matters, according to the rules of procedure, should be taken by a majority. However, the commitment to consensus among States Parties is so strong that they have never voted on procedural issues either—even when a meeting was paralysed by a disagreement on the agenda, as was the case at the 2005 RevCon or the 2007 PrepCom.

³ Rule 28, NPT/CONF.2020/1, Annex III, 20 May 2019.

What do the PrepComs do?

PrepCom meetings address both substantive and procedural matters ahead of the RevCons. Procedural tasks include decisions on the dates and venues of the RevCon and PrepComs, designation of the RevCon President and PrepCom Chairs, and agreement on the draft rules of procedure and provisional agenda for the RevCon. The first PrepCom session adopts an agenda for the whole Preparatory Committee in each review cycle.

As part of strengthening the review process, States parties decided that the PrepCom should consider “principles, objectives and ways in order to promote the full implementation of the Treaty as well as its universality.”⁴ PrepCom sessions therefore conduct discussions of substantive issues regarding implementation of the treaty and past review conferences’ decisions and resolutions. Debates are organised into three thematic Clusters, analogous to the Main Committees of Review Conferences. Under each Cluster, time is also allocated for addressing specific issues – analogously to the SBs.

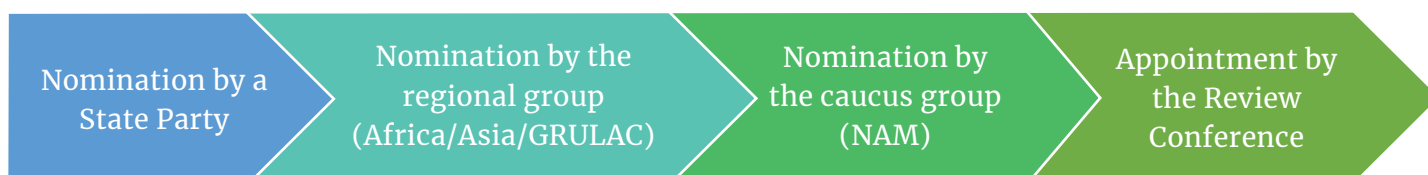
Factual summaries of discussions at the first two PrepComs should be transmitted in a report to the next session for further discussion. The third (or fourth) PrepCom session should “make every effort” to produce a consensus report with recommendations for the RevCon.⁵ There is no further guidance on how the work of one PrepCom session should feed into the next and how the factual summaries are to be used.

In practice, it has proven largely impossible to fulfil the substantive mandate of the PrepComs. Reluctant to commit to any consensus language before the RevCon, States Parties have never agreed on substantive recommendations, and no factual summary has been adopted by a PrepCom session since 2002. Instead, PrepCom Chairs usually issue draft summaries and recommendations as working papers in their own capacity.

⁴ Decision I: Strengthening the Review Process for the Treaty, 1995 NPT Review and Extension Conference, 11 May 1995.

⁵ Final Document of the 2000 NPT Review Conference, NPT/CONF.2000/28, 19 May 2000.

Figure 2: Nomination of the Review Conference President



How are the review process officers chosen?

For the purposes of nomination of review process officers, NPT States Parties are divided into three groups: the Western European and Others Group (WEOG), the Eastern European Group (EEG), and Non-Aligned States Parties to the NPT, usually referred to as NAM.⁶ This structure reflects the composition of the Eighteen Nation Committee on Disarmament that negotiated the NPT in the 1960s. Today, many of the States in the EEG are members of the European Union and NATO and coordinate their positions accordingly.

RevCon Presidents and Chairs of PrepComs and MCs are nominated by the three groups in accordance with the established practice: WEOG nominates the Chair of the first PrepCom Session, EEG of the second, and the NAM of the third, as well as the RevCon President. Within the NAM, regional

groups—Africa, Asia, and Latin America and the Caribbean—take turns in nominating the President.⁷

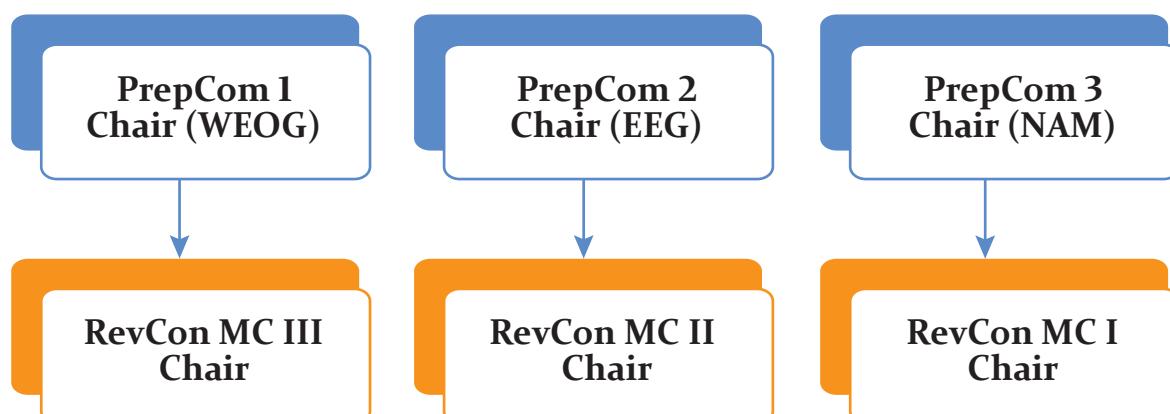
Following the same established practice, at the Review Conference, the Chair of the first PrepCom presides over MC III, the Chair of the second PrepCom over MC II, and the Chair of the third PrepCom over MC I. If a PrepCom Chair is not available to serve at the RevCon, their government designates a replacement. The practice of nominations by regional groups does not apply to SB chairs: the President recommends the candidates for appointment by the RevCon.

There are no formal timelines and deadlines for nominations of Chairs and Presidents. Intra-group politics at times delay the designation of review process officers.

⁶The group includes states that are observers rather than members of the Non-Aligned Movement.

⁷Customarily, nuclear-weapon States representatives do not serve as review process officers.

Figure 3: Chairs of PrepCom Session and RevCon Main Committees



How does civil society participate in the review process?

Civil society organisations can attend review process meetings as accredited observers. Their formal role is limited.

Non-governmental representatives can observe open meetings, such as the General Debate and MCs, but not meetings of the Subsidiary Bodies. NGOs cannot formally submit working papers or reports to the review process meetings or address them, except during the one session per PrepCom/RevCon specially allocated for NGO statements.

However, many civil society organisations produce substantive reports, articles, and other materials on issues related to Treaty implementation. They provide expert advice and commentary on substantive issues and the process itself on an informal basis. NGOs organise a variety of side events during the review process meetings – independently or in cooperation with States Parties. Some States Parties have also made it a practice to include NGO advisers in their delegations.

How are the review process meetings funded?

The costs associated with the review process meetings are divided among States Parties according to a schedule of contributions, where each State Party is assigned a percentage of costs. The schedule is updated in accordance with the general UN scale of contributions, except for the percentages assigned to the nuclear-weapon States, which

collectively make up 55% of the costs (this percentage was initially assigned to the depositary states at the first Review Conference in 1975).⁸ The distribution among the five is uneven. The United States covers 32.82% of the total costs of the review cycle, while Russia covers 8%, France 7.14%, United Kingdom 6.13%, and China 0.91%.

⁸ See NPT/CONF/SR.12, 30 May 1975, p. 129.



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